

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
European Telecommunication
Satellite Organization
Petition for Declaratory Ruling
File No. SAT-PDR-20000214-00059

ORDER

Adopted: August 10, 2000

Released: August 11, 2000

By the Chief, Satellite and Radiocommunication Division, International Bureau:

I. INTRODUCTION

1. In this Order, we add the European Telecommunications Satellite Organization's (EUTELSAT's) EUTELSAT II-F2 satellite, located at the 12.5° W.L. orbit location, to the "Permitted Space Station List." This list is intended to streamline the process by which foreign-licensed satellites can access the U.S. market, and as a result, stimulate competition in the United States, provide consumers more alternatives in choosing communications providers and services, reduce prices, and facilitate technological innovation. As a result of this action, most U.S. earth station operators will be able to transmit to the EUTELSAT II-F2 satellite in the 14.0-14.5 GHz band without modifying their licenses.

II. BACKGROUND

2. The Commission created the Permitted Space Station List in the DISCO II First Reconsideration Order, to streamline the framework adopted in the DISCO II Order to evaluate earth station applications to use non-U.S. licensed space stations to provide satellite service in the United States. The Permitted Space Station List includes all U.S.-licensed satellites, and all non-U.S. licensed satellites with which ALSAT earth stations are permitted to communicate without additional Commission action.

1 On February 18, 2000, we placed EUTELSAT's request on public notice. No comments or oppositions were filed.

2 Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207 (1999) (DISCO II First Reconsideration Order).

3 Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States, Report and Order, IB Docket No. 96-111, 12 FCC Rcd 24094 (1997) (DISCO II or DISCO II Order).

We evaluate requests to place non-U.S. licensed satellites on the Permitted List under the *DISCO II* framework.<sup>5</sup>

### III. DISCUSSION

3. On February 1, 2000, the International Bureau (Bureau) granted authority to two earth stations to communicate with the EUTELSAT II-F2 satellite.<sup>6</sup> We found generally that allowing EUTELSAT to provide service to the United States would further competition,<sup>7</sup> and that EUTELSAT II-F2 complies with all Commission technical requirements and is two-degree compliant.<sup>8</sup> Because the Bureau reviewed those two earth station applications pursuant to the *DISCO II* framework, we need not repeat that analysis in detail here.<sup>9</sup>

4. Because of interference concerns with other services, the Permitted List allows transmissions without further approval *only* in the conventional C and Ku-bands.<sup>10</sup> Although EUTELSAT II-F2 operates in the conventional Ku-band uplink frequencies, it operates in the extended Ku-band downlink frequencies.<sup>11</sup> We emphasize that placing EUTELSAT II-F2 on the Permitted List authorizes ALSAT earth station operators to access EUTELSAT II-F2 only in the conventional Ku-band frequencies. In other

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<sup>4</sup> "ALSAT" means "all U.S.-licensed space stations." Originally, under an ALSAT earth station license, an earth station operator providing fixed-satellite service in the conventional C- and Ku-bands could access any U.S. satellite without additional Commission action, provided that those communications fall within the same technical parameters and conditions established in the earth stations' licenses. See *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7210-11 (para. 6). The *DISCO II First Reconsideration Order* expanded ALSAT earth station licenses to permitted access to any satellite on the Permitted List. *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7215-16 (para. 19).

<sup>5</sup> This *DISCO II* analysis considers the effect on competition in the United States, spectrum availability, eligibility and operating (*e.g.*, technical) requirements, and national security, law enforcement, foreign policy, and trade concerns. *DISCO II*, 12 FCC Rcd at 24107-72 (paras. 30-182).

<sup>6</sup> Applications of BT North America Inc., CBS Broadcasting, Inc., Order, DA 00-162 (Int'l. Bur., released Feb. 1, 2000) (*EUTELSAT Earth Station Order*).

<sup>7</sup> *EUTELSAT Earth Station Order* at para. 6.

<sup>8</sup> *EUTELSAT Earth Station Order* at paras. 12-13.

<sup>9</sup> The Permitted Space Station list on the International Bureau's web site will be updated shortly to include the EUTELSAT II-F2 satellite. This web site address is <[www.fcc.gov/ib/srd/se/permitted.html](http://www.fcc.gov/ib/srd/se/permitted.html)>.

<sup>10</sup> *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7210 n.19. The conventional C- and Ku-bands are 3700-4200 MHz and 5925-6425 MHz, and 11.7-12.2 GHz and 14.0-14.5 GHz, respectively.

<sup>11</sup> The extended Ku-band downlink frequencies used by EUTELSAT II-F2 are the 10.95-11.20 GHz and 11.45-11.70 GHz frequency bands. *EUTELSAT Earth Station Order* at para. 4. The use of these frequency bands in the United States was limited to international service under footnote NG104 to the United States Table of Frequency Allocations in Section 2.106 of the Commission's rules, 47 C.F.R. § 2.106.

words, ALSAT earth station operators may only operate with EUTELSAT II-F2 in the uplink frequencies of 14.0-14.5 GHz, and thus may only transmit to international points in those frequencies. ALSAT earth station operators may not transmit to EUTELSAT II-F2 in any other band, and may not receive transmissions from EUTELSAT II-F2 in any band, without first obtaining a license modification.

5. Finally, pursuant to the Bureau's Public Notice of December 17, 1999, placing a satellite on the Permitted List will permit international common carriers holding appropriate global international Section 214 authorizations to provide international telecommunications services using the satellite without the need to obtain additional Section 214 authority.<sup>12</sup> We invited interested parties to comment on any issues that might be raised by including the EUTELSAT II-F2 satellite in the scope of global international Section 214 authorizations. No one filed any comments. Accordingly, we find that it is in the public interest to allow common carriers with global international Section 214 authorizations to communicate with the EUTELSAT II-F2 satellite at 12.5° W.L.

#### IV. CONCLUSION AND ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to Sections 303(r), 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(r), 308, 309, 310, and Sections 25.121(a) and 25.137(c) of the Commission's rules, 47 C.F.R. §§ 25.121(a), 25.137(c), each earth station with "ALSAT" designated as a point of communication, IS GRANTED authority to provide Fixed Satellite Services (FSS), excluding FSS Direct-to-Home services from the United States, by accessing the EUTELSAT II-F2 satellite, located at the 12.5° W.L. orbit location, subject to the conditions set forth in its earth station license and in this Order.

7. IT IS FURTHER ORDERED that the EUTELSAT II-F2 satellite, together with the conditions set forth in this Order, IS PLACED on the "Permitted Space Station List."

8. IT IS FURTHER ORDERED that this authorization does not authorize EUTELSAT to provide any Direct-to-Home (DTH) service, Direct Broadcast Satellite (DBS) service, or Digital Audio Radio Service (DARS) to, from, or within the United States.

9. IT IS FURTHER ORDERED that this authorization does not authorize any ALSAT-designated earth station operator to communicate with the EUTELSAT II-F2 satellite in the in the 10.95-11.20 and 11.45-11.70 GHz frequency bands.

10. IT IS FURTHER ORDERED that access to the EUTELSAT II-F2 satellite network SHALL BE in compliance with the satellite coordination agreements reached between the United States and France.

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<sup>12</sup> See International Bureau Announced Process for Providing Service Under Global International Section 214 Authorizations Using Approved Non-U.S.-Licensed Satellite Systems Listed on the Permitted Space Station List, Public Notice, DA 99-2844 (released Dec. 17, 1999).

11. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of the release of this Order. (*See* 47 C.F.R. § 1.4(b)(2).)

FEDERAL COMMUNICATIONS COMMISSION

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